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March 4, 2013

Via Electronic Submission: zcsubmissions@dc.gov

Mr. Anthony J. Hood, Chairman
D.C. Zoning Commission
One Judiciary Square
441 4th Street N.W.
Second Floor
Washington, D.C. 20001

RECEIVED
D.C. OFFICE OF ZONING
2013 MAR -4 PM 2:09

**Re: Z.C. Case No. 10-14 (Big Bear Cafe)
Map Amendment for 1700 First Street, N.W. Square 3103, Lot 800
Applicant's Opposition to Motion for Reconsideration by Karla M. Lewis**

Dear Chairman Hood and Members of the Commission:

The Applicant in the above-referenced case opposes the Motion for Reconsideration by Karla M. Lewis ("Lewis Party"). The Lewis Party claims that Finding of Fact No. 24 in Z.C. Order 10-14 ("Order"), which references the ANC's Updated Report ("Report") submitted into the record on November 19, 2012 (Exhibit 57) incorrectly characterizes the ANC's support and that the ANC's support of the Application was contingent on the Applicant providing a restrictive covenant. For your convenience a copy of the Report is attached as Exhibit A and is explained in more detail below.


The Report reiterates what had been previously submitted by the ANC in its resolution dated August 28, 2012 (indicating a vote to unanimously support the application) with attached letter of support by Commissioner Youngblood (Exhibit 26). The letter by Commissioner Youngblood outlined some concerns from a small contingent of residences who opposed the application and noted that the Applicant agreed to "**Consider** adding covenants to the deed that bind future uses of the property by subsequent owners." (*emphasis added*). The ANC's support of the application was never contingent on the Applicant adding a covenant. Furthermore, while the Report expressed concerns about the inability of the parties to resolve their disputes, the Report stated, in part, that "**ANC 5C never-the-less stands by its letter of support**" (*emphasis added*).

ZONING COMMISSION
District of Columbia
CASE NO. 10-14
EXHIBIT NO. 64
District of Columbia
CASE NO. 10-14
EXHIBIT NO. 64

In addition, a response to the Motion for Reconsideration by Mr. Youngblood is attached as Exhibit B and states, "I am writing to clarify that the Big Bear Café sufficiently met the requirements of the ANC 5C-03 letter of support and agreement that I submitted on August 28, 2012."

Should you have any questions, please have the Office of Zoning contact the undersigned.

Sincerely,

A handwritten signature in cursive script, reading "Lyle M. Blanchard".

Lyle M. Blanchard

A handwritten signature in cursive script, reading "Kate M. Olson".

Kate M. Olson

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that a copy of this letter and enclosure were sent, via mail and or electronic mail, on March 4, 2013 to the following:

Via Mail and Electronic Mail to:

**Office of ANC 5C
P.O. Box 26183
Washington, DC 20001
ANC5c@erols.com**

Via Electronic Mail to:

**Commissioner Hugh Youngblood
Paul Goldstein, DC Office of Planning
Jamie Henson, DC Dept. of Transportation
The Lewis Party, c/o Karla M. Lewis**

Kate M. Olson

Kate M. Olson, Esq.

EXHIBIT A



Government of the District of Columbia
ADVISORY NEIGHBORHOOD COMMISSION 5C
 PO Box 26183 • Washington, DC 20001 • www.ANC5C.COM

RECEIVED
 D.C. OFFICE OF ZONING
 7/12 NOV 19 PM 2:27

November 13, 2012

Mr. Anthony J. Hood, Chairperson
 DC Zoning Commission
 441 4th Street NW, Second Floor
 Washington, DC 20001

Re: Zoning Case ZC 10-14 Big Bear Café Proposed Zoning Map Amendment --
 Updated Report

Dear Chairman Hood and Members of the Commission:

The Advisory Neighborhood Commission (ANC) 5C hereby files this updated Report following our letter dated August 21, 2012 regarding the subject application. ANC 5C held its regular monthly meeting on November 13, 2012. Prior to the November 13 meeting, Ms. Karla Lewis, a member of the opposition team requested and was granted an opportunity to appear at the meeting. During the meeting Ms. Lewis expressed concern that the applicant was in violation of prior commitments and had failed to negotiate in good faith on a promise to effect a voluntary agreement. Ms. Lewis specifically expressed concern that the applicant had recanted on several promises including promises outlined in the letter prepared by Commissioner Hugh Youngblood, ANC 5C03, which was considered and attached to ANC 5C's letter of support. Commissioner Youngblood's letter states in part: "(T)he applicant has agreed to take the following measures:

- "Restrict the building density to "low-density " 1.5 FAR for any commercial use as restricted in the DC zoning code to retain with the same commercial density that currently exists
- Maintain the same noise restrictions as are required in R-4 zoning
- Consider adding covenants to the deed that bid future uses of the property by subsequent owners."

The applicant was not available at the meeting. However, the applicant's updated 11/6/2012 Progress Report and comments by ANC 5C03 were considered by the ANC. Following a lengthy discussion, ANC 5C approved the following motion:

While expressing concerns about the inability of the parties to resolve their dispute, in Zoning Case ZC 10-14, and the allegations of the Protestants that the applicant has failed to negotiate in good faith, ANC 5C never-the-less stands by its letter of support of August 21, 2012 with its underlying conditions.

ANC 5C is comprised of 12 Commissioners and therefore seven (7) Commissioners constitutes a quorum. On November 13, 2012, at a duly noticed public meeting of ANC 5C, eight (8) Commissioners attended the meeting. At the time of voting on this application there were eight (8) Commissioners present and voting. The ANC 5C voted unanimously to support the aforementioned Motion.

APPROVED: This 13th Day of November 2012

RONNIE EDWARDS, CHAIRMAN

Reference: 5C03 Letter of Support dated August 21, 2012

Commissioners

5C01 Bradley Thomas
 Vice Chairman
 5C01@anc.dc.gov
 202.670.0151

5C02 Sylvia Pinkney
 5C02@anc.dc.gov
 202.259.4180

5C03 Hugh Youngblood
 5C03@anc.dc.gov
 202.925.1079

5C04 Mark Muller
 5C04@gmail.com
 202.200.3191

5C05 Tim Clark
 5C05@anc.dc.gov
 202.525.4670

5C06 Mary Farmer-Allen
 Treasurer
 5C06@anc.dc.gov
 202.635.1401

5C07 James Fournier
 5C07@anc.dc.gov
 202.316.6316

5C08 Marshall Phillips
 5C08@anc.dc.gov
 202.529.1831

5C09 Silas Grant
 5C09@anc.dc.gov
 202.498.4196

5C10 Charita Brent
 Recording Secretary
 5C10@anc.dc.gov
 202.387.3929

5C11 Ronnie Edwards
 Chairman
 5C11@anc.dc.gov
 202.450.1449

5C12 Gigi Ransom
 Financial Secretary
 Corresponding Secretary
 5C12@anc.dc.gov
 202.529.0508

ANC5C meets on 3rd
 Tuesday of the month.

Next Meeting:
 December 20, 2012
 The Summit at St
 Martins (7:00 PM
 116 T Street NE

ZONING COMMISSION
 District of Columbia

CASE NO. 10-14

ZONING COMMISSION
 District of Columbia
EXHIBIT NO. 1

CASE NO. 10-14
 EXHIBIT NO. 57

Letter of Support

21 August 2012

**Mr. Anthony J. Hood, Chairperson
DC Zoning Commission
One Judiciary Square
441 4th Street NW, Second Floor
Washington, DC 20001**

Re: Single Member District 5C-03 Support for Zoning Case ZC 10-14

Dear Chairman Hood and Members of the Zoning Commission:

My name is Hugh Youngblood; I am Advisory Neighborhood Commissioner for Single Member District (SMD) 5C-03. This letter expresses the Single Member District's strong support for the proposed Amendment to the DC Zoning Map (Zoning Case # 10-14) for the Big Bear Café (BBC), which is located in Commission 5C and specifically within Single Member District 5C-03.

I have reviewed the application, have met with the applicant, and have met with my constituents on the subject during meetings of ANC 5C, SMD 5C-03, and the Bloomingdale Civic Association. This series of reviews and meetings resulted in my support for the application based on the following rationale:

1. An extensive majority of SMD 5C-03 constituents support the proposal and note the fair trade-off between the BBC's history of acting as a good neighbor and the fact that the proposed zoning change would limit residents' ability to have input into the property's uses going forward.
2. An overwhelming majority of other SMD 5C-03 community members (employers, employees, patrons, and community groups) support the proposal.

Signed petitions of residents living within a 200-foot radius of the BBC, signed petitions of support from the surrounding neighborhood, letters of support from community members and civic leaders, voiced support at our Single Member District meeting, and documented support from the Bloomingdale Civic Association demonstrate the strength of community support for the proposed zoning change.

In contrast, a small contingent of residents opposes the proposed map amendment. Their concerns include the following:

1. A change from residential to commercial zoning would yield negative economic impacts for nearby homeowners who intend to hold their properties rather than sell them. Increases in property value translate into increases in property taxes.
2. The change from residential to commercial zoning would eventually yield a significant increase in overall density of the surrounding area unwelcome by those who moved here for the small-neighborhood residential feel prior to the current spike in business development.

The applicant's willingness to work with these persons to constructively address the concerns outlined above provides additional basis for support for the proposed zoning map amendment. To help mitigate the risks associated with these concerns, the applicant has agreed to take the following measures:

Letter of Support

1. ~~Limit any future height increases~~ to the building to a maximum of forty (40) feet total building height, which is the maximum height allowed for all R-4 residential buildings located in the area.
2. Restrict the building density to "low-density" 1.5 FAR for any commercial use as restricted in the DC zoning code to retain with the same commercial density that currently exists
3. Maintain the same noise restrictions as are required in R-4 zoning
4. Consider adding covenants to the deed that bind future uses of the property by subsequent owners.

Community support for the BBC has been so consistently strong because its commercial use of the Property has been essential to the growth and revitalization of the community. Of the many ways the BBC has played that role, let me note four.

First, the BBC serves as a neighborhood hub and community gathering place for all. Before the BBC, Bloomingdale had very limited opportunities for many residents to come together socially. It added to the sense of a neighborhood square by assisting in the development of the Bloomingdale Farmers' Market, which expanded the scope and size of our "village green." The BBC has also sponsored many community events from choirs from Haiti to poetry readings and art shows; all these events have deepened the sense and cohesiveness of Bloomingdale as a vital urban neighborhood.

Second, the BBC currently provides jobs for 5 families with children, 9 local families, 22 neighborhood residents, and 33 local residents. It contributes significantly to the District of Columbia business tax base, and its presence plays an essential role in the promotion of neighborhood business growth, local real estate sales, apartment rentals, neighborhood visibility, and community development.

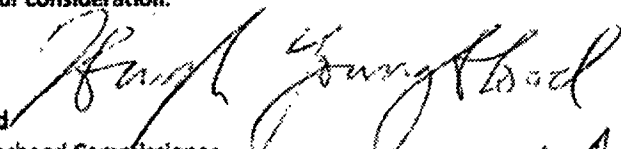
Third, the BBC has won a variety of awards and accolades, all of which have benefited the Bloomingdale community. As a successful, locally owned and operated, neighborhood business, it earned the title of North Capitol Main Street "Neighborhood Business of the Year" in 2008. The BBC won the Mayor's Environmental Excellence Award in 2009. It was selected as a part of "Best of Washington" for the Washingtonian Magazine 2009-2011. Finally, the BBC was recognized for "Best Cappuccino" in the Washington Post Express.

Fourth, the BBC has contributed significantly to improved safety of pedestrians and others in the community as compared to the former use of the property.

Single Member District 5C-03 strongly supports the Map Amendment application for the BBC. I encourage the Zoning Board to look favorably on this application, and I ask that you vote in favor of the Map Amendment change so that the business at this location can continue to add value to our neighborhood, and continue to be a strong member of our developing community.

Thank you for your consideration.

Hugh Youngblood
Advisory Neighborhood Commissioner
Single Member District 5C-03



21 August 2012

EXHIBIT B

Mr. Anthony Hood, Chairperson
DC Zoning Commission
One Judiciary Square
441 4th Street NW, Second Floor
Washington, DC 20001

February 28, 2013

Re: Clarification of Single Member District 5C-03 Support for Zoning Case ZC 10-14 on August 28, 2012

Chairman Hood and members of the Zoning Commission,

My name is Hugh Youngblood; I served as Advisory Neighborhood Commissioner of Single Member District (SMD) 5C03 during the 2011-2012 term. SMD 5C03 at the time included 1700 First Street NW.

I prepared the attached Letter of Support for the Big Bear Café application to be designated with a C-2-A mixed use, low density zoning, written August 21, 2012, and submitted to the Zoning Board on August 28, 2012.

The Motion to Reconsider filed by the The Lewis Party (the Protestant) on February 25, 2013, alleges that the Applicant failed to comply with mitigation measure #4 of the agreement, i.e., "Consider adding covenants to the deed...".

I am writing to clarify that the Big Bear Café sufficiently met the requirements of the ANC 5C-03 letter of support and agreement that I submitted on August 28, 2012.

Specifically, the Applicant negotiated with the Protestant via electronic correspondence during the week of October 18, 2012 and met with the Protestant on October 28, 2012 in an attempt to negotiate covenants to add to the deed. As a result of these discussions, the Protestant chose to end negotiations rather than to agree to any compromise positions. As such, the Applicant in fact considered adding covenants to the property deed and attempted to negotiate the provisions of the proposed covenants in good faith.

Thank you,

Hugh Youngblood
ANC, SMD 5C03 (2011-2012)

 28 FEB 2013

Letter of Support

21 August 2012

**Mr. Anthony J. Hood, Chairperson
DC Zoning Commission
One Judiciary Square
441 4th Street NW, Second Floor
Washington, DC 20001**

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Letter of Support

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Thank you for your consideration.

Hugh Youngblood
Advisory Neighborhood Commissioner
Single Member District 5C-03



21 August 2012